

Amendment for Application No.: 10/723741  
Attorney Docket: CFA00021US

## REMARKS

### Summary of the Office Action

In the final Office Action dated February 20, 2008, the pending Claims 1-16 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,072,065 to Lester, et al. (hereinafter LESTER) in view of U.S. Patent No. 6,453,268 to Carney, et al. (hereinafter CARNEY).

### Summary of the Amendment

Claims 1-16 are currently pending, with Claims 3, 7, 9, and 14 being in original form, Claims 2, 4-6, and 10-13 being previously presented, and Claims 1, 8, 15, and 16 being currently amended. The rejections of Claims 1-16 under 35 U.S.C. § 13(a) are respectfully traversed.

### Rejections of Claims 1-16 under 35 U.S.C. § 103(a)

Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over LESTER in view of CARNEY. Applicants respectfully traverse.

Both LESTER and CARNEY fail to disclose, *inter alia*, a “determining means for variably determining a frequency of checking whether a print cancel command is issued, based on the print conditions acquired by the acquisition means” as defined in Claim 1 and “a determining step for variably determining a frequency of checking whether a print cancel command is issued, based on the print conditions acquired in the acquisition step” as defined in Claims 8, 15, and 16.

LESTER discloses a cancel input. However, LESTER does not disclose anything with respect to a frequency of checking the cancel input. LESTER does disclose that the cancel input is monitored. However, LESTER is silent regarding any frequency of the monitoring operation. No particular frequency that the monitoring operation operates at is stated. There is no disclosure or suggestion in LESTER that monitoring of the cancel input is done or can be done at a variable frequency. At the bottom of column 4 and top of column 5, LESTER does disclose: “specifying a job cancellation count rather than a job cancellation time period. Such count is specified by continuously selecting the cancel

Amendment for Application No.: 10/723741  
Attorney Docket: CFA00021US

key for a variable time: the job cancellation logic is responsive to the cancel input to cancel a number of print jobs that increases as a function of the time the cancel input is selected.” (LESTER, col. 4, line 66 through col. 5, line 8. However, this merely describes how a user might select a cancel input request for a variable amount of time. It teaches nothing with respect to the frequency of monitoring the cancel input. At best, LESTER suggests that the monitoring must be performed on a continuous basis. For example, in LESTER it appears to be necessary to monitor the cancel input on a continuous basis so that the duration of time that the user selects the cancel input (cancellation request) can be determined. Continuous monitoring of the cancel input also appears to be required in those embodiments of LESTER that determine the number of times (as opposed to the duration) that a cancel input (cancellation request) is made so that that number can be determined with any hope of accuracy. Thus, LESTER at best appears to teach away from the above-noted claimed features.

The present Office Action appears to concede these points by stating: “Lester fails to teach and/or suggest monitoring the cancel input at a variable frequency. In other words, Lester teaches a method for checking and monitoring cancel input continuously and a cancel input is detected immediately when the cancel command is issued from the host device, but does not specify a specific time frame (frequency) for monitoring print cancel command.” (Office Action, at page 2).

However, the Office Action then finds that: “Carney, in the same field of endeavor for monitoring print process, teaches a well-known example of monitoring print process and/or printer’s status at a variable frequency (figs. 2-5, col. 2, lines 40 to col. 3, lines 14 and col. 5, lines 11-30).” (Office Action, at page 3). The Office Action provides no detail regarding how the supposed modification could be made, but instead merely concludes that it would be obvious.

While CARNEY is drawn to determining monitoring settings for a computer monitoring device, only a limited number general monitoring frequency values is provided for a user to select. (CARNEY, col. 2, lines 38 to 47; and col. 5, lines 4-23). Moreover, the selected monitoring frequency value merely serves as an input in determining a polling interval (or polling intervals) that defines a period between polling operations from a computer to a device. The actual monitoring is performed at the

Amendment for Application No.: 10/723741  
Attorney Docket: CFA00021US

polling interval not at the selected monitoring frequency. As noted in CARNEY the polling interval value is a different value from the user selected monitoring frequency. (CARNEY, col. 2, lines 38 to 47).

Moreover, CARNEY indicates that: "In some cases, the user selected frequency of monitoring may not alter the value used for polling. For instance, a non-time threshold value used to determine polling is the job cancel handle 66 which has a single value regardless of the user selection of frequency monitoring." (CARNEY, col. 8, lines 28-40, emphasis added). Thus, in CARNEY the user selected frequency of monitoring is not applied to cancellation of print jobs. Indeed, by singling out cancellation from the range of monitored items, CARNEY teaches away from using the user selected frequency of monitoring with respect to the cancellation of print jobs. Applicants see nothing else in CARNEY that mentions the cancellation of print jobs. Thus, at best, CARNEY teaches away from the above-noted claimed features, and as noted above, LESTER teaches away from them as well.

Both LESTER and CARNEY fail to disclose, inter alia, a "checking means for checking whether a print cancel command is issued, the checking performed every time said data processing means generates or transfers print data corresponding to the frequency determined by the determining means" as defined in Claim 1 and "a checking step for checking whether a print cancel command is issued, the checking performed every time the print control device generates or transfers print data corresponding to the frequency determined in the determining step" as defined in Claims 8, 15, and 16.

As noted in the present Office Action, LESTER does not specify a specific time frame (frequency) for monitoring print cancel commands. LESTER thus clearly lacks any disclosure or suggestion the above-noted claimed features. Moreover, LESTER appears to be incompatible with them. For example, LESTER stipulates the cancellation of all print jobs received prior to and during a cancellation period that increases as a function of how long the cancel input was selected by the user or alternatively as a function of how many times the cancel input is selected by the user. Even assuming arguendo that LESTER could be modified to include the above-noted claimed features, (which Applicants respectfully do not concede is possible), it is unclear how any resulting modified system and method could determine how long (or the number of times) the

Amendment for Application No.: 10/723741  
Attorney Docket: CFA00021US

cancel input was selected. Thus, the asserted modification would appear to render the system and method of LESTER non-functional. Thus, Applicants respectfully submit that there appears to be no likelihood of successfully modifying LESTER to achieve the claimed invention.

Moreover, as noted in Applicants prior Response, LESTER is merely concerned with cancelling print jobs, not generating or transferring print data. At best, the Background section of LESTER describes a situation wherein it may allegedly be difficult for a user to successively cancel each of a series of print jobs manually, as it is allegedly difficult to time each successive manual cancellation so that a first page of a print job is not printed. This again merely describes actions of a user, and it is silent regarding the transfer of print data at any determined rate.

CARNEY also lacks any disclosure of the above-noted claimed features. First, as noted above, the selected monitoring frequency value of CARNEY merely serves as an input in determining one or more polling interval(s), but the polling interval value is a different value from the user selected monitoring frequency (CARNEY, col. 2, lines 38 to 47). Moreover, as noted in lines 35-54 of column 6 of CARNEY: "If the user has specified a level of monitoring in GUI window 30 for a page-by-page status, then the value in the average column for polling mode 54 may be set to the average time for a page to print on the specific printer 4." Thus, the actual polling is based only past events such as an average time period of a specific printer. The actual polling appears to have no responsiveness to any presently occurring events, and there is no responsiveness or checking based, for example, on the generation or transfer of print data. Moreover, what CARNEY discloses about selected monitoring frequency is not germane to print cancellation requests, as noted above. Thus, with respect to print cancellation, CARNEY adds nothing to LESTER.

Furthermore, Applicants respectfully submit that LESTER and CARNEY are incompatible and thus not properly combinable. For example, CARNEY indicates that: "If the print monitor 12 cancels a job at the print manager 2 and the print job has not yet started at the printer 4, then the printer 4, upon receiving a command from the printer manager 2, cannot cancel the job as the job has not yet been received. The printer 4 may be busy with jobs and unable to select the newly submitted job. The value in tuning

Amendment for Application No.: 10/723741  
Attorney Docket: CFA00021US

control 66 indicates the number of cancel attempts the printer manager 12 will retry to cancel the request.” (CARNEY, col. 8, lines 28-40, emphasis added). Thus, in CARNEY, a limited number of attempts to execute a print cancellation request are made, whereas in LESTER, to the contrary, no such limitation appears to be possible. In particular, in LESTER it appears that such attempts must continue until all print jobs which are received prior to and during a cancellation period that increases as a function of how long the cancel input was selected by the user (or alternatively as a function of how many times the cancel input is selected by the user) are canceled. Thus, any attempt to modify LESTER using CARNEY as asserted in the Office Action would appear to result in a non-functioning device.

Even assuming arguendo that LESTER could be modified using CARNEY as asserted in the Office Action, (which Applicants respectfully do not concede is possible), minimally, LESTER would need to be radically restructured, particularly since the objective in LESTER is to cancel all print jobs received prior to and during a cancellation period that increases as a function of how long the cancel input was selected by the user or alternatively as a function of how many times the cancel input is selected by the user. The Office Action has not provided any technical detail regarding how LESTER could be modified using the features of CARNEY. Moreover, Applicants submit no such modification is possible because the borrowed features from CARNEY run counter to LESTER’s stated technique and objective.

For at least the various reason provided above, Applicants respectfully submit that Claims 1, 8, 15, and 16 are patentable over LESTER and CARNEY, whether considered alone or in combination. Moreover, the remaining Claims in the application are dependent on either Claim 1 or Claim 8 and add further distinguishing features respectively thereto. Applicants thus submit that the dependent Claims are patentable over LESTER and CARNEY, whether considered alone or in combination, for at least the various reasons provided above with respect to Claims 1 and 8. Reconsideration of the rejections of Claims 1-16 under 35 U.S.C. § 103(a) is respectfully solicited.

Amendment for Application No.: 10/723741  
Attorney Docket: CFA00021US

### CONCLUSION

Applicants respectfully submit that all of the claims pending in the application meet the requirements for patentability and respectfully request that the Examiner indicate the allowance of such claims at his earliest convenience.

Any amendments to the claims which have been made in this response which have not been specifically noted to overcome a rejection based upon prior art should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Please change the RCE fee and any other required fee to Deposit Account Number 502456.

Should the Examiner have any questions, the Examiner may contact Applicants' representative at the telephone number provided below.

Respectfully submitted,



May 20, 2008

Date

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